

## RESOLUTION OF CENSURE

Mrs. FEINSTEIN. Mr. President, I move to proceed to my censure resolution which is at the desk.

The text of the motion reads as follows:

I move to suspend the following:

Rule VII, paragraph 2 the phrase "upon the calendar", and;

Rule VIII, paragraph 2 the phrase "during the first two hours of a new legislative day".

In order to permit a motion to proceed to a censure resolution, to be introduced on the day of the motion to proceed, notwithstanding the fact that it is not on the calendar of business.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have to object. This resolution is not on the Calendar. Therefore, it is not in order to present it to the Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, in light of that objection, I move to suspend the rules, the notice of which I printed in the RECORD on Monday, February 8, in order to permit my motion to proceed.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I send a motion to the desk, a motion to indefinitely postpone the consideration of the Feinstein motion.

The PRESIDING OFFICER. The clerk will report the motion.

Mr. GRAMM. Mr. President, I ask that reading of the motion be dispensed with, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas, Mr. GRAMM. The yeas and nays have been ordered. The clerk will call the roll.

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 19 Leg.]

## YEAS—43

Allard	Frist	Nickles
Ashcroft	Gramm	Roberts
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith Bob
Byrd	Hatch	Specter
Campbell	Helms	Stevens
Cochran	Hutchinson	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
DeWine	Mack	Warner
Enzi	McCain	
Fitzgerald	Murkowski	

## NAYS—56

Abraham	Baucus	Bennett
Akaka	Bayh	Biden

Bingaman	Harkin	McConnell
Boxer	Hollings	Mikulski
Breaux	Hutchison	Moynihan
Bryan	Inouye	Murray
Chafee	Jeffords	Reed
Cleland	Johnson	Reid
Collins	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Roth
Dodd	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Smith Gordon H
Edwards	Leahy	Snowe
Feingold	Levin	Torricelli
Feinstein	Lieberman	Wellstone
Gorton	Lincoln	Wyden
Graham	Lugar	

## NOT VOTING—1

Domenici

The PRESIDING OFFICER (Mr. INHOFE). On this vote, the yeas are 43, the nays are 56. Two-thirds of the Senators not having voted in the negative, the motion to suspend is withdrawn and the Gramm point of order is sustained. The Feinstein motion to proceed falls.

Mr. SPECTER. Mr. President, between the time I made my statement in the closed Senate deliberations on February 11th and the time I cast my vote on February 12th, I consulted with the Parliamentarian and examined the Senate precedents and found that if I voted simply "not proven," that I would be marked on the voting roles as "present." I also found that a response of "present," and inferentially the equivalent of "present," could be challenged and that I could be forced to cast a vote of "yea" or "nay."

I noted the precedent on June 28, 1951, recorded on pages 7403 and 7404 of the CONGRESSIONAL RECORD, when Senator Benton of Connecticut and Senator Lehman of New York voted "present" during a roll call vote. Senator Hickenlooper of Iowa challenged these votes and argued that a senator must vote either "yea" or "nay" unless the Senate votes to excuse the senator from voting. Senator Hickenlooper's challenge was upheld, and the Senate voted against excusing these Senators from voting by a vote of 39 to 35 in the case of Senator Lehman and a vote of 41 to 34 in the case of Senator Benton.

I also noted the precedent on August 3, 1954, on page 13086 of the CONGRESSIONAL RECORD, when Senator Mansfield of Montana voted "present" during a roll call vote. Senator Cordon of Oregon objected and asked that the Senate vote on whether Senator Mansfield should be excused from voting. By voice vote, the Senate voted against excusing Senator Mansfield from voting.

In order to avoid the possibility that some Senator might challenge my vote, I decided to state on the Senate floor, "not proven, therefore not guilty," when my name was called on the roll call votes on Article I and Article II of the Articles of Impeachment. That avoided the possibility of a challenge and also more accurately recorded my vote as "not guilty" since I

did not wish to be recorded as merely "present."

(Under a previous unanimous consent agreement, the following statements pertaining to the impeachment proceedings were ordered printed in the RECORD:)

## TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. GORTON. Mr. President, the statement that I am placing in the record is the statement I would have given had I been permitted to speak longer and in open session. During our closed deliberations, I gave a similar, but abridged statement.

For almost two years, the President of the United States was engaged in what he has come to describe as an "inappropriate intimate" relationship with a young woman who came to his attention as a White House intern. He then lied about their relationship, publicly, privately, formally, informally, to the press, to the country, and under oath, for a period of about a year.

This course of conduct requires us to face four distinct questions.

First, we must determine if the material facts alleged in the Articles of Impeachment have been established to our satisfaction.

Second, do the established facts constitute either obstruction of justice or perjury, or both?

Third, are obstruction of justice and perjury high Crimes and Misdemeanors under the Constitution?

And, fourth, even if the acts of the president are high Crimes and Misdemeanors, are they of sufficient gravity to warrant his conviction if it allows of no alternative other than his removal from office?

The first article of impeachment alleges that the President committed perjury while testifying before the Starr grand jury. Although the House Managers assert that his testimony is replete with false statements, it is clear, at the least, that his representations about the nature and details of his relationship with Miss Lewinsky are literally beyond belief.

From November 1995, until March 1997, the President engaged in repeated sexual activities with Monica Lewinsky, who was first a volunteer at and then an employee of the White House and eventually the Pentagon. Though he denies directly few of her descriptions of those activities, he testified under oath that he did not have "sexual relations" with her. His accommodation of this paradox is based on the incredible claim that he did not touch Miss Lewinsky with any intent to arouse or gratify anyone sexually, even though she performed oral sex on him.

It seems to me strange that any rational person would conclude that the